

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF LOUISIANA
MONROE DIVISION

ROBERT C. SIBLEY, JR.	*	CIVIL ACTION NO. 13-01261
VERSUS	*	JUDGE DONALD E. WALTER
PLAN ADMINISTRATOR, ALLSTATE INSURANCE COMPANY CAFETERIA PLAN, ET AL	*	MAG. JUDGE KAREN L. HAYES

MEMORANDUM ORDER

Before the undersigned Magistrate Judge, on reference from the District Court, is a Motion to Strike Affirmative Defenses [doc. # 12] filed by Plaintiff, Robert C. Sibley, Jr. For reasons assigned below, the Motion is **DENIED** as moot.¹

A motion to strike filed pursuant to Rule 12(f) authorizes a court to “strike from a pleading an insufficient defense” FED. R. CIV. P. 12(f). Plaintiff moved this Court to strike Defendants’ affirmative defenses for various reasons. [doc. # 14]. However, subsequent to Plaintiff’s Motion, Defendants’ amended their Answer to the satisfaction of Plaintiff. [See doc. # 18].² Accordingly, Plaintiff’s Motion to Strike is moot.

¹ As this motion is not excepted within 28 U.S.C. § 636(b)(1)(A), nor dispositive of any claim on the merits within the meaning of Rule 72 of the Federal Rules of Civil Procedure, this order is issued under the authority thereof, and in accordance with the standing order of this Court. Any appeal must be made to the district judge in accordance with Rule 72(a) and L.R. 74.1(W).

² Plaintiff’s counsel, via email communication with this Court, answered in the affirmative when asked whether Defendants’ Amended Answer mooted Plaintiff’s Motion to Strike. E-mail from William T. Allison, Attorney for Plaintiff, to author (Sept. 26, 2013, 01:23 CST) (on file with author).

For the above-stated reasons,

Plaintiff's Motion to Strike [doc. # 12] is hereby **DENIED** as moot.

IT IS SO ORDERED.

THUS DONE AND SIGNED, in chambers, at Monroe, Louisiana, this 26th day of
September, 2013.

A handwritten signature in black ink, appearing to read "Karen L. Hayes", is written over a horizontal line.

KAREN L. HAYES
U. S. MAGISTRATE JUDGE